

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>JOVANI FASHION, LTD., Plaintiff, v. CINDERELLA DIVINE, INC., UNIQUE VINTAGE, INC., DISCOUNTDRESSUP.COM, JM DREAMLINE, INC., THE ROSE DRESS, INC., FIESTA FASHIONS, RORY BALLARD, JULIE'S COLLECTION, and JOHN DOE 1-100 Defendants.</p>	<p>Civ. No. 10 CV 7085 (JGK) FIRST AMENDED COMPLAINT JURY DEMAND</p>
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Plaintiff Jovani Fashion, Ltd., by and through its undersigned attorneys, alleges as follows:

PARTIES

1. Plaintiff Jovani Fashion, Ltd. (hereinafter "Jovani" or "Plaintiff") is a business corporation incorporated under the laws of the State of New York, with a place of business at 1370 Broadway, 4th Floor, New York, NY 10018.

2. Defendant Cinderella Divine, Inc. (hereinafter "Cinderella") is a California corporation with an address at 1142 San Julian St. #B, Los Angeles, CA 90015.
3. Upon information and belief, Cinderella also has an address at 959 S. Santee St., Los Angeles, CA 90015.
4. Defendant Unique Vintage, Inc. (hereinafter "Unique Vintage") is a California corporation with an address at 1020 E. Grinnell Drive, Burbank, CA 91501.
5. Upon information and belief, Unique Vintage also has an address at 2013 W. Magnolia Blvd., Burbank, CA 91506.
6. Upon information and belief, Defendant Discountdressup.com (hereinafter, "Discountdressup," is an unknown entity with an address at P.O. Box 862252 Los Angeles, CA 90086, and an address at 8440 Cerritos Avenue, Stanton CA 90680, and an address at 2626 W. Ball Rd., Anaheim, CA 92804.
7. Upon information and belief, an individual named Dick Hong is the owner of Discountdressup, and an individual named Rolean Lee is the Chief Executive Officer of Discountdressup.

8. Upon information and belief, Defendant JM Dreamline, Inc. (hereinafter, "JM Dreamline") is a California corporation with an address at 1200 Santee St. #505, Los Angeles, CA 90015.
9. Upon information and belief, Defendant The Rose Dress, Inc. (hereinafter, "Rose Dress") is a California corporation with an address at 741 Charcot Ave., San Jose, CA 95131.
10. Upon information and belief, Rose Dress also has an address at 2300 Zanker Road Suite F, San Jose, CA. 95131.
11. Upon information and belief, Defendant Fiesta Fashions (hereinafter, "Fiesta Fashions") is an unknown entity with an address at 1100 Wall Street, #106 Los Angeles, CA 90015.
12. Upon information and belief, Defendant Rory Ballard (hereinafter, "Ballard") is an individual with an address at P.O. Box No. 12062, San Bernardino, Ca 92423.
13. Defendant Julie's Collection (hereinafter, "Julie's Collection") is an unknown entity with an address at 1217 Santee St., Los Angeles, CA 90015. Upon information and belief, Julie's Collection is engaged in the business of wholesale and retail sale of apparel.

14. Defendants John Doe 1 - 100 ("John Does 1-100") are unknown entities that manufacture, advertise, and/or sell Infringing Dresses, as defined below, in the United States are that have otherwise infringed Jovani's copyrights, as set forth in Count 26 below. John Does are generally manufacturers, wholesalers, and/or retailers. John Does are liable to Jovani for direct, contributory, or vicarious copyright infringement.

JURISDICTION AND VENUE

15. This action and all counts set forth herein arise under the copyright laws of the United States, 17 U.S.C. Sec. 101 et seq.
16. This is a civil action seeking damages and injunctive relief to redress copyright infringement.
17. The remedies for copyright infringement arise under the copyright laws of the United States, particularly under 17 U.S.C. §§ 101, et. seq.
18. This Court has subject matter jurisdiction over all of the claims pursuant to 28 U.S.C. §§ 1331 and 1338.
19. Upon information and belief, Cinderella, Unique Vintage, Discountdressup, JM Dreamline, Rose Dress, Fiesta Fashions, Ballard, Julie's Collection, and John

Does 1-100 (hereinafter individually or collectively referred to as "Defendants") regularly transact business in the State of New York and in this judicial district.

20. The Defendants are subject to the personal jurisdiction of this Court pursuant to CPLR 301 and 302 and Rule 4 of the Federal Rules of Civil Procedure.
21. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400.

FACTS

JOVANI'S BACKGROUND

22. Jovani was founded in 1980 and is a distinguished and well known designer and manufacturer of women's dresses, particularly evening dresses, pageant gowns, prom dresses, and cocktail dresses. Jovani is an internationally known brand with a widely recognized line of dresses. A summary of Jovani's background is annexed hereto as Exhibit A.
23. Jovani sells its distinctive dresses through over 3,000 retail stores throughout the world, including, particularly, in the United States.

24. Jovani has been in business selling dresses at least in the United States, Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom, Lebanon, Kuwai, Saudi Arabia, Japan, Brazil, United Arab Emirates, Russia, China, Australia, Canada, Switzerland, Turkey, Belarus, Ukraine, Israel, Mexico, Azerbaijan, Serbia, Albania, Panama, and Jordan.
25. Jovani has maintained an extensive website at www.jovani.com featuring Jovani's dresses and foreign distributors, since at least as early as 1998.
26. Over the past decade, Jovani has grown into a top name brand with an exceptional reputation in the marketplace. Jovani has won a number of prestigious awards, including the National Prom Association's Retailers Choice Awards for Best Manufacturer Quality in 2005, Best Prom Fashion Design, and Outstanding Internet Site in 2006.
27. Jovani is one of the biggest names in the prom dress industry. For example, Jovani's website at www.jovani.com is currently ranked in the first or second position on the first page of the search engine results from Google® for the search term, "prom dresses." See Exhibit B.

28. Jovani's dresses have achieved wide acclaim in the pageant industry and many pageant winners have worn Jovani dresses.
29. Jovani's dresses are also regularly worn on live broadcasts and popular reality television programs broadcast in the United States. For example, participants and artists featured on American Idol frequently appear wearing Jovani dresses. American Idol has averaged between 29 million to 38 million viewers per episode for its past six seasons.
30. Jovani owns and maintains a company identity on Facebook that is publicly accessible under the title, "Jovani Fashions." Jovani's Facebook identity presently has over seventeen thousand (17,000) fans who selected that they "Like" Jovani Fashions.
31. Jovani employs a number of full time fashion designers to develop over two thousand new and original designs for Jovani each year.
32. Jovani has registered copyrights for the artwork on many of its dresses. For example, a number of Jovani's copyright registrations, relevant to this action, are annexed hereto as Exhibit C (hereinafter, "Jovani's Registrations").
33. In May 2010, Jovani filed a copyright registration application, with all required fees, for Jovani's catalog showing artwork incorporated in dresses

entitled, Jovani Catalog #1023. In response, the U.S. Copyright Office awarded Jovani with U.S. Copyright Registration No. VA 1-714-131 (the "'131 Registration"). A copy of the '131 Registration is annexed hereto in Exhibit C. Jovani is the claimant and owner of all copyrights claimed by the '131 Registration.

34. In May 2010, Jovani filed a copyright registration application, with all required fees, for Jovani's catalog showing artwork incorporated in dresses entitled, Jovani Catalog #1024. In response, the U.S. Copyright Office awarded Jovani with U.S. Copyright Registration No. VA 1-714-128 (the "'128 Registration"). A copy of the '128 Registration is annexed hereto in Exhibit C. Jovani is the claimant and owner of all copyrights claimed by the '128 Registration.
35. In June 2010, Jovani filed a copyright registration application, with all required fees, for Jovani's catalog showing artwork incorporated in dresses entitled, Jovani Catalog #1021. In response, the U.S. Copyright Office awarded Jovani with U.S. Copyright Registration No. VA 1-749-679 (the "'679 Registration"). A copy of the '679 Registration is annexed hereto in Exhibit C. Jovani is the claimant and owner of all copyrights claimed by the '679 Registration.
36. In July 2010, Jovani filed a copyright registration application, with all required fees, for Jovani's catalog showing artwork incorporated in dresses

entitled, Jovani Short & Chic. In response, the U.S. Copyright Office awarded Jovani with U.S. Copyright Registration No. VA 1-749-698 (the "'698 Registration"). A copy of the '698 Registration is annexed hereto in Exhibit C. Jovani is the claimant and owner of all copyrights claimed by the '698 Registration.

37. In July 2010, Jovani filed a copyright registration application, with all required fees, for Jovani's catalog showing artwork incorporated in dresses entitled, Jovani Catalog #1020. In response, the U.S. Copyright Office awarded Jovani with U.S. Copyright Registration No. VA 1-749-677 (the "'677 Registration"). A copy of the '677 Registration is annexed hereto in Exhibit C. Jovani is the claimant and owner of all copyrights claimed by the '677 Registration.
38. In June 2010, Jovani filed a copyright registration application, with all required fees, for Jovani's catalog showing artwork incorporated in dresses entitled, Jovani Collection 2009 Catalog. In response, the U.S. Copyright Office awarded Jovani with U.S. Copyright Registration No. VA 1-749-692 (the "'692 Registration"). A copy of the '692 Registration is annexed hereto in Exhibit C. Jovani is the claimant and owner of all copyrights claimed by the '692 Registration.
39. In June 2010, Jovani filed a copyright registration application, with all required fees, for Jovani's catalog showing artwork incorporated in dresses

entitled, Jovani 2009 Homecoming Catalogue. In response, the U.S. Copyright Office awarded Jovani with U.S. Copyright Registration No. VA 1-749-689 (the "'689 Registration"). A copy of the '689 Registration is annexed hereto in Exhibit C. Jovani is the claimant and owner of all copyrights claimed by the '689 Registration.

40. In June 2010, Jovani filed a copyright registration application, with all required fees, for Jovani's catalog showing artwork incorporated in dresses entitled, Jovani 2009 Evening Catalogue. In response, the U.S. Copyright Office awarded Jovani with U.S. Copyright Registration No. VA 1-749-621 (the "'621 Registration"). A copy of the '621 Registration is annexed hereto in Exhibit C. Jovani is the claimant and owner of all copyrights claimed by the '621 Registration.
41. In August 2010, Jovani filed a copyright registration application, with all required fees, for Jovani's artwork incorporated in a dress, entitled, Jovani Style 154416. In response, the U.S. Copyright Office awarded Jovani with U.S. Copyright Registration No. VA 1-749-891 (the "'891 Registration"). A copy of the '891 Registration is annexed hereto in Exhibit C. Jovani is the claimant and owner of all copyrights claimed by the '891 Registration.
42. In August 2010, Jovani filed a copyright registration application, with all required fees, for Jovani's catalog of artwork incorporated in dresses, entitled, Jovani Prom 2011 Catalog #1029. In response, the U.S. Copyright Office awarded Jovani with U.S. Copyright Registration No. VA 1-752-073

(the "'073 Registration"). A copy of the '073 Registration is annexed hereto in Exhibit C. Jovani is the claimant and owner of all copyrights claimed by the '073 Registration.

43. Jovani's works claimed for copyright protection in Jovani's Registrations may hereinafter be individually or collectively referred to as Jovani's Designs.
44. Each of Jovani's Designs consists of original, copyrightable, two-dimensional artwork depicted on three-dimensional garments. Jovani owns valid copyrights pertaining to each of Jovani's Designs.

DEFENDANTS' INFRINGEMENT

45. In 2010, Jovani discovered a number of dresses being sold by the Defendants that, without Jovani's authorization, incorporate artwork that is substantially similar to Jovani's Designs. Such dresses may hereinafter be individually or collectively referred to as "Infringing Dresses."
46. Based on the level of similarity between the Infringing Dresses and Jovani's Designs, it is evident that the artwork incorporated in the Infringing Dresses was copied from Jovani's Designs.

Cinderella Divine, Inc.

47. Upon information and belief, Cinderella is a manufacturer and seller of women's apparel, including evening dresses and prom dresses.

48. Upon information and belief, Cinderella has been manufacturing, causing to be manufactured, advertising, promoting, importing into the United States, selling, and distributing Infringing Dresses. Cinderella's Infringing Dresses include at least the dresses under the following style numbers: 1229, 1244, 2101, 2103, 2107, 2120, 2124, 2126, 2129, 2131, 2133, 2140, 2147, 3056, 3070, 3075, 3077, 3081, 4006, 4008, 4017, 5213, and 9490.
49. A side-by-side comparison of Infringing Dresses from Cinderella's catalogs, with the corresponding Jovani's Designs is annexed hereto as Exhibit D.
50. Upon information and belief, Cinderella manufactures Infringing Dresses in China.
51. Upon information and belief, Cinderella causes a third party to manufacture the Infringing Dresses in China.
52. In addition to wholesale sales, Cinderella also owns and operates a retail store which sells dresses directly to the public.
53. Cinderella's retail store also sells Infringing Dresses.

Unique Vintage

54. Unique Vintage is a retailer of women's dresses.
55. Unique Vintage operates a website at www.unique-vintage.com (the "UV Website"). Unique Vintage sells dresses through the UV website.
56. Upon information and belief, Unique Vintage sells dresses through the UV website throughout the United States.
57. Jovani has been a supplier of dresses to Unique Vintage for a number of years.
58. Unique Vintage has a "Jovani Prom Dresses" category on the UV Website.
59. Upon information and belief, Unique Vintage purchases certain dresses from Cinderella.
60. Upon information and belief, Unique Vintage sells dresses purchased from Cinderella through the UV Website.
61. Unique Vintage sells Infringing Dresses through the UV Website. Some images of Infringing Dresses being offered for sale on the UV Website are annexed hereto as Exhibit E.

62. Upon information and belief, Unique Vintage purchases Infringing Dresses from Cinderella.
63. Upon information and belief, Unique Vintage has been advertising, promoting, selling, and distributing Infringing Dresses. Unique Vintage's Infringing Dresses include at least the dresses under the following style numbers: 14225-F630, 14086-3077, 14005-1013, 14006p-2133, and 14013-4003.
64. A side by side comparison of Infringing Dresses being sold by Unique Vintage through the UV Website, with the corresponding Jovani's Designs is annexed hereto as Exhibit F.

Discountdressup

65. Discountdressup is a retailer of women's dresses.
66. Discountdressup operates a website at www.discountdressup.com (hereinafter, the "Discountdressup Website"). Discountdressup sells women's dresses through the Discountdressup Website.
67. Discountdressup sells Infringing Dresses through the Discountdressup Website in interstate commerce. Some images of Infringing Dresses being offered for sale on the Discountdressup Website are annexed hereto as Exhibit G.

68. Upon information and belief, Discountdressup has been advertising, promoting, selling, and distributing Infringing Dresses. Discountdressup's Infringing Dresses include at least the dresses under the following style numbers: 3073cin, 4017cin, and 2133cin.
69. A side by side comparison of Infringing Dresses being sold on the Discountdressup Website, with corresponding Jovani's Designs is annexed hereto as Exhibit H.

JM Dreamline, Inc.

70. JM Dreamline operates a website at promdressline.com (hereinafter, the "Promdressline Website"). JM Dreamline sells women's dresses through the Promdressline Website.
71. JM Dreamline sells Infringing Dresses in interstate commerce, including through the Promdressline Website. Some images of Infringing Dresses being offered for sale by JM Dreamline on the Promdressline Website are annexed hereto as Exhibit I.
72. Upon information and belief, JM Dreamline has been advertising, promoting, selling, and distributing Infringing Dresses. JM Dreamline's Infringing Dresses include at least the dresses under the following style numbers: S1013, S1229, and S2108.

73. A side by side comparison of Infringing Dresses being sold by JM Dreamline on the Promdressline Website, with corresponding Jovani's Designs is annexed hereto as Exhibit J.

Rose Dress, Inc.

74. Rose Dress owns and operates a website at www.therosedress.com (hereinafter, the "Rosedress Website"). Rose Dress sells women's dresses through the Rosedress Website.
75. Rose Dress has, in the past, purchased a number of dresses manufactured by Jovani.
76. Rose Dress sells dresses from Jovani through the Rosedress Website.
77. Rose Dress sells Infringing Dresses through the Rosedress Website in interstate commerce. Some images of Infringing Dresses being offered for sale by Rose Dress on the Rosedress Website are annexed hereto as Exhibit K.
78. Upon information and belief, Rose Dress has been advertising, promoting, selling, and distributing Infringing Dresses. Rose Dress' Infringing Dresses include at least the dresses under the following style numbers: CD-4008, CD-1013, CD-4003, and CD-3073.

79. A side by side comparison of Infringing Dresses being sold on the Rosedress Website, with corresponding Jovani's Designs is annexed hereto as Exhibit L.

Fiesta Fashions

80. Upon information and belief, Fiesta Fashions is a manufacturer and supplier of women's dresses.
81. Upon information and belief, Fiesta Fashions sells women's dresses in interstate commerce.
82. Upon information and belief, Fiesta Fashions has manufactured, imported, advertised, publicly displayed, offered for sale, and sold Infringing Dresses in the United States, including Fiesta Fashions' style no. FI50021. A side by side comparison of a style of Infringing Dresses being sold by Fiesta Fashions, with a design of Jovani's is annexed hereto as Exhibit M.

Promdresses2010 (Rory Ballard)

83. Upon information and belief, Ballard owns and operates an online retail store at www.promdresses2010.com (hereinafter, the "Promdresses2010 Website").
84. Upon information and belief, Ballard sells women's dresses in interstate commerce through the Promdresses2010 Website.

85. Upon information and belief, Ballard also owns and operates an online retail store at www.dressesandaccessories.net, selling women's dresses.
86. Ballard sells Infringing Dresses through the Promdresses2010 Website in interstate commerce. Some images of Infringing Dresses being offered for sale by Ballard on the Promdresses2010 Website are annexed hereto as Exhibit N.
87. Upon information and belief, Ballard has been advertising, promoting, selling, and distributing Infringing Dresses. Ballard's Infringing Dresses include at least the dresses under the following style numbers: 1229-A, and 1244-A.
88. A side by side comparison of Infringing Dresses being sold on the Promdresses2010 Website, with corresponding Jovani's Designs is annexed hereto as Exhibit O.

Julie's Collection

89. Julie's Collection sells women's dresses at its retail store, and as a wholesaler.
90. Upon information and belief, Julie's Collection sells women's dresses in interstate commerce.

91. Upon information and belief, Julie's Collection has purchased Infringing Dresses and has sold such dresses in its retail store and in wholesale.
92. Upon information and belief, Julie's Collection has been selling and distributing Infringing Dresses. Julie's Collection's Infringing Dresses include at least the dresses under the following style numbers: 2103, 2125, and 4008.
93. Examples of some Infringing Dresses that Julie's Collection purchased and sold are shown in Exhibits P, in a side-by-side comparison with corresponding Jovani's Designs.

In Summary

94. All of the Defendants have sell and/or have sold Infringing Dresses in the United States.
95. Upon information and belief, all of the Defendants sell and/or have sold Infringing Dresses in competition with Jovani.
96. Upon information and belief, Unique Vintage, JM Dreamline, Discountdressup, Rose Dress, Ballard, and Julie's Collection purchase Infringing Dresses from Cinderella.

97. Jovani has been harmed and continues to be harmed by the Defendants' above-described actions.
98. Jovani is the exclusive owner of all right, title, and interest in Jovani's Registrations and the copyrights claimed therein.

COUNT 1

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 14344

99. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-98 above, inclusive, as if fully set forth herein.
100. Jovani's Copyright Registration VA 1-714-128 claims copyrights in 2-dimensional artwork in Jovani Catalog #1024. The claimed copyrights are valid.
101. On its page 28, Jovani Catalog #1024 includes original artwork incorporated in a dress entitled Jovani Style 14344. The original artwork includes design elements and sequins added to and arranged upon the faces of the belt loop, the clasp, and the straps. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
102. Cinderella's dress style #2140 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-

dimensional artwork on page 28 of Jovani Catalog #1024. Thus, each unit of Cinderella's Dress Style #2140 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

103. JM Dreamline's dress style no. S1013 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 28 of Jovani Catalog #1024. Thus, each unit of JM Dreamline's dress style no. S1013 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
104. Unique Vintage's dress style no. 14005-1013 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 28 of Jovani Catalog #1024. Thus, each unit of Unique Vintage's dress style no. 14005-1013 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
105. Rose Dress' dress style no. CD-1013 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 28 of Jovani Catalog #1024. Thus, each unit of Rose Dress' dress style no. CD-1013 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

106. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 2140 and copied, distributed, and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
107. Upon information and belief, Cinderella sold units of Cinderella's dress style no. 2140 to JM Dreamline, Unique Vintage, and Rose Dress.
108. Upon information and belief JM Dreamline advertised, publicly displayed, offered to sell, sold, and distributed units of JM Dreamline's dress style no. S1013, and copied, distributed, and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
109. Upon information and belief, Unique Vintage advertised, publicly displayed, offered to sell, sold, and distributed units of Unique Vintage's dress style no. 14005-1013, and copied, distributed, and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
110. Upon information and belief Rose Dress advertised, publicly displayed, offered to sell, sold, and distributed units of Rose Dress' dress style no. CD-1013, and copied, distributed, and publicly displayed photographs thereof. Such acts also constitute copyright infringement.

111. Upon information and belief, Cinderella, JM Dreamline, Unique Vintage, Rose and Dress had access to the artwork depicted on page 28 of Jovani Catalog #1024.
112. Upon information and belief, Cinderella, JM Dreamline, Unique Vintage, and Rose Dress have realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
113. Upon information and belief, the infringement of Jovani's copyrights by Cinderella, JM Dreamline, Unique Vintage, and Rose Dress is and has been knowing, willful and intentional.
114. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 2

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 15498

115. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-114 above, inclusive, as if fully set forth herein.
116. Jovani's Copyright Registration VA 1-714-128 claims copyrights in 2-dimensional artwork in Jovani Catalog #1024. The claimed copyrights are valid.

117. On its page 21, Jovani Catalog #1024 includes original artwork incorporated in a dress entitled Jovani Style 15498. The original artwork includes design elements added to the fabric, including the design on the face of the belt loop, and sculptural embellishments on the shoulder strap. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
118. Cinderella's dress style no. 4008 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 21 of Jovani Catalog #1024. Thus, each unit of Cinderella's dress style no. 4008 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
119. Julie's Collection's dress style no. 4008 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 21 of Jovani Catalog #1024. Thus, each unit of Julie's Collection's dress style no. 4008 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
120. JM Dreamline's dress style no. S2108 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable

two-dimensional artwork on page 21 of Jovani Catalog #1024. Thus, each unit of JM Dreamline's dress style no. S2108 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

121. Rose Dress' dress style no. CD-4008 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 21 of Jovani Catalog #1024. Thus, each unit of Rose Dress' dress style no. CD-4008 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
122. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 4008 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
123. Upon information and belief, Cinderella sold units of Cinderella's dress style no. 4008 to Julie's Collection, JM Dreamline, and Rose Dress.
124. Upon information and belief, Julie's Collection offered to sell, sold, and distributed units of its dress style no. 4008. Such acts also constitute copyright infringement.

125. Upon information and belief, JM Dreamline offered to sell, sold, and distributed units of its dress style no. S2108, and copied, distributed, and publicly displayed photos thereof. Such acts also constitute copyright infringement.
126. Upon information and belief, Rose Dress offered to sell, sold, and distributed units of its dress style no. CD-4008, and copied, distributed, and publicly displayed photos thereof. Such acts also constitute copyright infringement.
127. Upon information and belief, Cinderella, Julie's Collection, JM Dreamline, and Rose Dress had access to the artwork depicted on page 21 of Jovani Catalog #1024.
128. Upon information and belief, Cinderella, Julie's Collection, JM Dreamline, and Rose Dress have realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
129. Upon information and belief, the infringement of Jovani's copyrights by Cinderella, Julie's Collection, JM Dreamline, and Rose Dress is and has been knowing, willful and intentional.
130. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 3

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE B14811

131. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-130 above, inclusive, as if fully set forth herein.
132. Jovani's Copyright Registration VA 1-714-128 claims copyrights in 2-dimensional artwork in Jovani Catalog #1024. The claimed copyrights are valid.
133. On its page 179, Jovani Catalog #1024 includes original artwork incorporated in a dress entitled Jovani Style B14811. The original artwork includes fanciful design of the straps which also form the double belt loop in the front and branching loops on the back. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
134. Cinderella's dress style no. 2126 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 179 of Jovani Catalog #1024. Thus, each unit of Cinderella's dress style no. 2126 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

135. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's Dress Style no. 2126 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
136. Upon information and belief, Cinderella had access to the artwork depicted on page 179 of Jovani Catalog #1024.
137. Upon information and belief, Cinderella has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
138. Upon information and belief, Cinderella's infringement of Jovani's copyrights is and has been knowing, willful and intentional.
139. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 4

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 153032

140. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-139 above, inclusive, as if fully set forth herein.
141. Jovani's Copyright Registration VA 1-714-128 claims copyrights in 2-dimensional artwork in Jovani Catalog #1024. The claimed copyrights are valid.
142. On its page 169, Jovani Catalog #1024 includes original artwork incorporated in a dress entitled Jovani Style 153032. The original artwork includes the design and embellishments on the face of the belt loop and the selection and arrangement of associated elements. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
143. Cinderella's dress style #3077 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 169 of Jovani Catalog #1024. Thus, each unit of Cinderella's Dress Style #3077 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
144. Unique Vintage's dress style no. 14086-3077 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 169 of Jovani Catalog #1024. Thus, each

unit of Unique Vintage's dress style no. 14086-3077 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

145. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's Dress Style no. 3077 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
146. Upon information and belief, Cinderella sold or otherwise supplied units of Cinderella's dress style no. 3077 to Unique Vintage.
147. Upon information and belief, Unique Vintage publicly displayed, advertised, offered to sell, sold, and/or distributed units of Unique Vintage's dress style no. 14086-3077, and copied, distributed, and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
148. Upon information and belief, Cinderella and Unique Vintage had access to the artwork depicted on page 169 of Jovani Catalog #1024.
149. Upon information and belief, Cinderella and Unique Vintage have realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.

150. Upon information and belief, the infringement of Jovani's copyrights by Cinderella and Unique Vintage is and has been knowing, willful and intentional.
151. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 5

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE B565

152. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-151 above, inclusive, as if fully set forth herein.
153. Jovani's Copyright Registration VA 1-714-131 claims copyrights in 2-dimensional artwork in Jovani Catalog #1023. The claimed copyrights are valid.
154. On its page 91, Jovani Catalog #1023 includes original artwork incorporated in a dress entitled Jovani Style B565. The original artwork includes the design and embellishments on material sewn onto the fabric and extending on to the shoulder straps, and including the selection and arrangement of associated elements. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily

because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.

155. Cinderella's dress style no. 2124 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 91 of Jovani Catalog #1023. Thus, each unit of Cinderella's dress style no. 2124 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
156. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 2124 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
157. Upon information and belief, Cinderella had access to the artwork depicted on page 91 of Jovani Catalog #1023.
158. Upon information and belief, Cinderella has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
159. Upon information and belief, Cinderella's infringement of Jovani's copyrights is and has been knowing, willful and intentional.

160. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 6

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 196583

161. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-160 above, inclusive, as if fully set forth herein.

162. Jovani's Copyright Registration VA 1-714-128 claims copyrights in 2-dimensional artwork in Jovani Catalog #1024. The claimed copyrights are valid.

163. On its page 17, Jovani Catalog #1024 includes original artwork incorporated in a dress entitled Jovani Style 196583. The original artwork includes the design and embellishments on the face of the shoulder straps and pendant, extending to the bodice of the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.

164. Cinderella's dress style no. 2120 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-

dimensional artwork on page 17 of Jovani Catalog #1024. Thus, each unit of Cinderella's dress style no. 2120 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

165. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress Style no. 2120 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
166. Upon information and belief, Cinderella had access to the artwork depicted on page 17 of Jovani Catalog #1024.
167. Upon information and belief, Cinderella has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
168. Upon information and belief, Cinderella's infringement of Jovani's copyrights is and has been knowing, willful and intentional.
169. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 7

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE B14429

170. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-169 above, inclusive, as if fully set forth herein.
171. Jovani's Copyright Registration VA 1-714-128 claims copyrights in 2-dimensional artwork in Jovani Catalog #1024. The claimed copyrights are valid.
172. On its page 189, Jovani Catalog #1024 includes original artwork incorporated in a dress entitled Jovani Style B14429. The original artwork includes the design and embellishments on the face of the belt loop and extending upward onto the shoulder straps, and the selection and arrangement of associated elements. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
173. Cinderella's dress style no. 2147 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 189 of Jovani Catalog #1024. Thus, each unit of Cinderella's dress style no. 2147 incorporates an unauthorized copy of

Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

174. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's Dress Style #2147 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
175. Upon information and belief, Cinderella had access to the artwork depicted on page 189 of Jovani Catalog #1024.
176. Upon information and belief, Cinderella has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
177. Upon information and belief, Cinderella's infringement of Jovani's copyrights is and has been knowing, willful and intentional.
178. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 8

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE B14721

179. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-178 above, inclusive, as if fully set forth herein.
180. Jovani's Copyright Registration VA 1-714-131 claims copyrights in 2-dimensional artwork in Jovani Catalog #1023. The claimed copyrights are valid.
181. On its page 136, Jovani Catalog #1023 includes original artwork incorporated in a dress entitled Jovani Style B14721. The original artwork includes the design and embellishments added to the top of the dress on the chest and shoulder, and including the selection and arrangement of the ruched middle section, and the wire-edged tulles and other associated elements. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
182. Cinderella's dress style no. 2107 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 136 of Jovani Catalog #1023. Thus, each unit of Cinderella's dress style no. 2107 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

183. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 2107 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
184. Upon information and belief, Cinderella had access to the artwork depicted on page 136 of Jovani Catalog #1023.
185. Upon information and belief, Cinderella has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
186. Upon information and belief, Cinderella's infringement of Jovani's copyrights is and has been knowing, willful and intentional.
187. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 9

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 153162

188. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-87 above, inclusive, as if fully set forth herein.
189. Jovani's Copyright Registration VA 1-714-131 claims copyrights in 2-dimensional artwork in Jovani Catalog #1023. The claimed copyrights are valid.
190. On its page 65, Jovani Catalog #1023 includes original artwork incorporated in a dress entitled Jovani Style 153162. The original artwork includes the design and embellishments added in the area of the neck and chest forming a unique necklace design, and in combination with the overall arrangement. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
191. Cinderella's dress style nos. 2133 and 3075 are three-dimensional dresses incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 65 of Jovani Catalog #1023. Thus, each unit of Cinderella's dress style nos. 2133 or 3075 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
192. Discountdressup's dress style no. 2133cin is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable

two-dimensional artwork on page 65 of Jovani Catalog #1023. Thus, each unit of Discountdressup's dress style no. 2133cin incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

193. Unique Vintage's dress style no. 14006p-2133 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 65 of Jovani Catalog #1023. Thus, each unit of Unique Vintage's dress style no. 14006p-2133 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
194. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style nos. 2133 and 3075 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
195. Upon information and belief, Discountdressup advertised, offered to sell, sold, and/or distributed units of Discountdressup's dress style no. 2133cin, and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
196. Upon information and belief, Unique Vintage advertised, offered to sell, sold, and/or distributed units of Unique Vintage's dress style no. 14006p-2133,

and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.

197. Upon information and belief, Cinderella sold or otherwise supplied units of its dress style nos. 2133 to Discountdressup and Unique Vintage.
198. Upon information and belief, Cinderella, Unique Vintage, and Discountdressup had access to the artwork depicted on page 65 of Jovani Catalog #1023.
199. Upon information and belief, Cinderella, Discountdressup, and Unique Vintage have realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
200. Upon information and belief, the infringement of Jovani's copyrights by Cinderella, Unique Vintage, and Discountdressup is and has been knowing, willful and intentional.
201. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 10

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 157225

202. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-201 above, inclusive, as if fully set forth herein.
203. Jovani's Copyright Registration VA 1-749-679 claims copyrights in 2-dimensional artwork in Jovani Catalog #1021. The claimed copyrights are valid.
204. On its page 58, Jovani Catalog #1021 includes original artwork incorporated in a dress entitled Jovani Style 157225. The original artwork includes the design and embellishments added to the surface of materials on the belt, chest, and shoulder areas of the dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
205. Cinderella's dress style no. 3070 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 58 of Jovani Catalog #1021. Thus, each unit of Cinderella's dress style no. 3070 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
206. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's Dress Style #3070 and distributed

and publicly displayed photographs thereof. Such acts also constitute copyright infringement.

207. Upon information and belief, Cinderella had access to the artwork depicted on page 58 of Jovani Catalog #1021.
208. Upon information and belief, Cinderella has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
209. Upon information and belief, Cinderella's infringement of Jovani's copyrights is and has been knowing, willful and intentional.
210. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 11

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 8368

211. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-210 above, inclusive, as if fully set forth herein.

212. Jovani's Copyright Registration VA 1-714-131 claims copyrights in 2-dimensional artwork in Jovani Catalog #1023. The claimed copyrights are valid.
213. On its page 77, Jovani Catalog #1023 includes original artwork incorporated in a dress entitled Jovani Style 8368. The original artwork includes the design of the ruffled floral embellishments added to the surface of the shoulder strap on the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
214. Cinderella's dress style nos. 4006 and 2129 are three-dimensional dresses incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 77 of Jovani Catalog #1023. Thus, each unit of Cinderella's dress style nos. 4006 and 2129 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
215. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style nos. 4006 and 2129 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.

216. Upon information and belief, Cinderella had access to the artwork depicted on page 77 of Jovani Catalog #1023.
217. Upon information and belief, Cinderella has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
218. Upon information and belief, Cinderella's infringement of Jovani's copyrights is and has been knowing, willful and intentional.
219. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 12

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 143154

220. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-219 above, inclusive, as if fully set forth herein.
221. Jovani's Copyright Registration VA 1-714-128 claims copyrights in 2-dimensional artwork in Jovani Catalog #1024. The claimed copyrights are valid.

222. On its page 140, Jovani Catalog #1024 includes original artwork incorporated in a dress entitled Jovani Style 143154. The original artwork includes the design and embellishments on the chest and shoulder areas of the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress. The bow portion of the design is also physically separable from the depicted dress.
223. Cinderella's dress style no. 2103 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 140 of Jovani Catalog #1024. Thus, each unit of Cinderella's dress style no. 2103 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
224. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 2103 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
225. Upon information and belief, Julie's Collection publicly displayed, offered to sell, sold, and distributed units of Cinderella's dress style no. 2103. Such acts also constitute copyright infringement.

226. Upon information and belief, Cinderella and Julie's Collection had access to the artwork depicted on page 140 of Jovani Catalog #1024.
227. Upon information and belief, Cinderella and Julie's Collection have realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
228. Upon information and belief, the infringement of Jovani's copyrights by Cinderella and Julie's Collection is and has been knowing, willful and intentional.
229. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 13

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 152178

230. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-229 above, inclusive, as if fully set forth herein.
231. Jovani's Copyright Registration VA 1-714-128 claims copyrights in 2-dimensional artwork in Jovani Catalog #1024. The claimed copyrights are valid.

232. On its page 1, Jovani Catalog #1024 includes original artwork incorporated in a dress entitled Jovani Style 152178. The original artwork includes the design and embellishments on the face of the crossed double-belt on the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
233. Cinderella's dress style no. 2101 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 1 of Jovani Catalog #1024. Thus, each unit of Cinderella's dress style no. 2101 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
234. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 2101 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
235. Upon information and belief, Cinderella had access to the artwork depicted on page 1 of Jovani Catalog #1024.

236. Upon information and belief, Cinderella have realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
237. Upon information and belief, Cinderella's infringement of Jovani's copyrights is and has been knowing, willful and intentional.
238. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 14

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE B153096

239. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-238 above, inclusive, as if fully set forth herein.
240. Jovani's Copyright Registration VA 1-714-128 claims copyrights in 2-dimensional artwork in Jovani Catalog #1024. The claimed copyrights are valid.
241. On its page 177, Jovani Catalog #1024 includes original artwork incorporated in a dress entitled Jovani Style B153096. The original artwork includes the design and embellishments on the face of the material on the belt, chest, and

shoulder area of the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.

242. Cinderella's dress style nos. 1229 and 2131 are three-dimensional dresses incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 177 of Jovani Catalog #1024. Thus, each unit of Cinderella's Dress Style nos. 1229 and 2131 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
243. Ballard's dress style no. 1229-A is a three-dimensional dresses incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 177 of Jovani Catalog #1024. Thus, each unit of Ballard's dress style no. 1229-A incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
244. JM Dreamline's dress style no. S1229 is a three-dimensional dresses incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 177 of Jovani Catalog #1024. Thus, each unit of JM Dreamline's dress style no. S1229 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

245. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style nos. 1229 or 2131 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
246. Upon information and belief, Cinderella sold units of dress style no. 1229 to Ballard and JM Dreamline. Such act constitutes copyright infringement.
247. Ballard advertised, publicly displayed, offered to sell, sold, and distributed units of Ballard's dress style no. 1229-A, and copied, distributed, and publicly displayed photos thereof. Such acts also constitute copyright infringement.
248. JM Dreamline advertised, publicly displayed, offered to sell, sold, and distributed units of JM Dreamline's dress style no. S1229, and copied, distributed, and publicly displayed photos thereof. Such acts also constitute copyright infringement.
249. Upon information and belief, Cinderella and Ballard had access to the artwork depicted on page 177 of Jovani Catalog #1024.
250. Upon information and belief, Cinderella, Ballard, and JM Dreamline have realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.

251. Upon information and belief, the infringement of Jovani's copyrights by Cinderella, Ballard, and JM Dreamline is and has been knowing, willful and intentional.
252. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 15

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 15962200

253. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-252 above, inclusive, as if fully set forth herein.
254. Jovani's Copyright Registration VA 1-749-677 claims copyrights in 2-dimensional artwork in the Jovani Catalog #1020. The claimed copyrights are valid.
255. On its page 105, Jovani Catalog #1020 includes original artwork incorporated in a dress entitled Jovani Style 15962200. The original artwork includes the ornamental design attached to the surface of the fabric on the chest area of the depicted dress, as well as the multiple-sparkled tulles attached to the bottom of the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is

depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.

256. Cinderella's dress style no. 9490 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 105 of Jovani Catalog #1020. Thus, each unit of Cinderella's dress style no. 9490 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
257. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's Dress Style #9490 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
258. Upon information and belief, Cinderella had access to the artwork depicted on page 105 of Jovani Catalog #1020.
259. Upon information and belief, Cinderella has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
260. Upon information and belief, Cinderella's infringement of Jovani's copyrights is and has been knowing, willful and intentional.

261. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 16

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 10740

262. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-261 above, inclusive, as if fully set forth herein.
263. Jovani's Copyright Registration VA 1-714-131 claims copyrights in 2-dimensional artwork in Jovani Catalog #1023. The claimed copyrights are valid.
264. On its page 122, Jovani Catalog #1023 includes original artwork incorporated in a dress entitled Jovani Style 10740. The original artwork includes the arrangement of color, tulles, glitter pattern, and ornamental lines. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
265. Cinderella's dress style no. 4017 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 122 of Jovani Catalog #1023. Thus, each unit of

Cinderella's dress style no. 4017 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

266. Discountdressup's dress style no. 4017cin is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 122 of Jovani Catalog #1023. Thus, each unit of Discountdressup's dress style no. 4017cin incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
267. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 4017 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
268. Upon information and belief, Cinderella sold or otherwise provided units of its dress style no. 4017 to Discountdressup.
269. Discountdressup publicly displayed, advertised, offered to sell, sold, and/or distributed units of Discountdressup's dress style no. 4017cin and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.

270. Upon information and belief, Cinderella and Discountdressup had access to the artwork depicted on page 122 of Jovani Catalog #1023.
271. Upon information and belief, Cinderella and Discountdressup have realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
272. Upon information and belief, the infringement of Jovani's copyrights by Cinderella and Discountdressup is and has been knowing, willful and intentional.
273. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 17

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 14916

274. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-273 above, inclusive, as if fully set forth herein.
275. Jovani's Copyright Registration VA 1-749-621 claims copyrights in 2-dimensional artwork in Jovani 2009 Evening Catalog. The claimed copyrights are valid.

276. On its page 80, Jovani 2009 Evening Catalog includes original artwork incorporated in a dress entitled Jovani Style 14916. The original artwork includes the ornate floral beading and lace design and ornamentation sewn onto the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
277. Cinderella's dress style no. 3056 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 80 of Jovani 2009 Evening Catalog. Thus, each unit of Cinderella's Dress Style no. 3056 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
278. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's Dress Style #3056 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
279. Upon information and belief, Cinderella had access to the artwork depicted on page 80 of Jovani 2009 Evening Catalog.

280. Upon information and belief, Cinderella has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
281. Upon information and belief, Cinderella's infringement of Jovani's copyrights is and has been knowing, willful and intentional.
282. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 18

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 14125

283. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-282 above, inclusive, as if fully set forth herein.
284. Jovani's Copyright Registration VA 1-714-131 claims copyrights in 2-dimensional artwork in Jovani Catalog #1023. The claimed copyrights are valid.
285. On its page 150, Jovani Catalog #1023 includes original artwork incorporated in a dress entitled Jovani Style 14125. The original artwork includes the beading and ornamentation attached to the depicted dress from the chest and extending over a shoulder. Such original artwork is physically and

conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.

286. Cinderella's dress style no. 1244 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 150 of Jovani Catalog #1023. Thus, each unit of Cinderella's dress style no. 1244 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
287. Ballard's dress style no. 1244-A is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 150 of Jovani Catalog #1023. Thus, each unit of Ballard's dress style no. 1244-A incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
288. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 1244 and copied, distributed, and publicly displayed photographs thereof. Such acts also constitute copyright infringement.

289. Upon information and belief, Cinderella sold units of Cinderella's dress style no. 1244 to Ballard.
290. Upon information and belief, Ballard advertised, offered to sell, sold, and distributed units of Ballard's dress style no. 1244-A, and copied, distributed, and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
291. Upon information and belief, Cinderella and Ballard had access to the artwork depicted on page 150 of Jovani Catalog #1023.
292. Upon information and belief, Cinderella and Ballard have realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
293. Upon information and belief, the infringement of Jovani's copyrights by Cinderella and Ballard is and has been knowing, willful and intentional.
294. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 19

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 8121

295. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-294 above, inclusive, as if fully set forth herein.
296. Jovani's Copyright Registration VA 1-749-692 claims copyrights in 2-dimensional artwork in Jovani Collection 2009 Catalog. The claimed copyrights are valid.
297. On its page 50, Jovani Collection 2009 Catalog includes original artwork incorporated in a dress entitled Jovani Style 8121. The original artwork includes the ornate design and ornamentation sewn onto the surface of the dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
298. Cinderella's dress style no. 3081 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 50 of Jovani Collection 2009 Catalog. Thus, each unit of Cinderella's dress style no. 3081 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
299. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 3081 and distributed

and publicly displayed photographs thereof. Such acts also constitute copyright infringement.

300. Upon information and belief, Cinderella had access to the artwork depicted on page 50 of Jovani Collection 2009 Catalog.
301. Upon information and belief, Cinderella has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
302. Upon information and belief, Cinderella's infringement of Jovani's copyrights is and has been knowing, willful and intentional.
303. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 20

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 152112

304. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-303 above, inclusive, as if fully set forth herein.

305. Jovani's Copyright Registration VA 1-714-128 claims copyrights in 2-dimensional artwork in Jovani Catalog #1024. The claimed copyrights are valid.
306. On its page 30, Jovani Catalog #1024 includes original artwork incorporated in a dress entitled Jovani Style 152112. The original artwork includes the ornamental design on the face of the fabric of the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
307. Discountdressup's dress style no. 3073cin is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 30 of Jovani Catalog #1024. Thus, each unit of Discountdressup's dress style no. 3073cin incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
308. Rose Dress' dress style no. CD-3073 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 30 of Jovani Catalog #1024. Thus, each unit of Rose Dress' dress style no. CD-3073 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

309. Cinderella's dress style no. 3073 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 30 of Jovani Catalog #1024. Thus, each unit of Cinderella's dress style no. 3073 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
310. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 3073 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
311. Upon information and belief, Cinderella sold or otherwise distributed units of Cinderella's dress style no. 3073 to Discountdressup and Rose Dress.
312. Upon information and belief, Discountdressup publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 3073 under Discountdressup's dress style no. 3073cin and copied, distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
313. Upon information and belief, Rose Dress publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 3073 under Rose Dress' dress style no. CD-3073 and copied, distributed and

publicly displayed photographs thereof. Such acts also constitute copyright infringement.

314. Upon information and belief, Discountdressup, Rose Dress, and Cinderella had access to the artwork depicted on page 30 of Jovani Catalog #1024.
315. Upon information and belief, Discountdressup, Rose Dress, and Cinderella have realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
316. Upon information and belief, the infringement of Jovani's copyrights by Cinderella, Discountdressup, and Rose Dress is and has been knowing, willful and intentional.
317. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 21

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 154416

318. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-317 above, inclusive, as if fully set forth herein.

319. Jovani's Copyright Registration VA 1-749-891 claims copyrights in 2-dimensional artwork in Jovani style 154416. The claimed copyrights are valid.
320. Jovani style 154416 includes original artwork incorporated in a dress. The original artwork includes the ornamental design and arrangement on the face of the fabric of the depicted dress, including but not limited to the selection and arrangement of sequins and beads and their respective patterns on the bust portion, as well as the wire-edged tulles added to the lower portion of the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
321. Fiesta Fashions' dress style no. FI50021 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork in Jovani style 154416. Thus, each unit of Fiesta Fashions' dress style no. FI50021 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
322. Upon information and belief, Fiesta Fashions manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and distributed units of Fiesta Fashions' dress style no. FI50021. Such acts also constitute copyright infringement.

323. Upon information and belief, Fiesta Fashions had access to Jovani style 154416.
324. Upon information and belief, Fiesta Fashions has realized unjust profits, gains, and advantages as a proximate result of its infringing use of Jovani's original, protectable artwork.
325. Upon information and belief, Fiesta Fashions' infringement of Jovani's copyrights is and has been knowing, willful and intentional.
326. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 22

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 15995

327. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-326 above, inclusive, as if fully set forth herein.
328. Jovani's Copyright Registration VA 1-714-128 claims copyrights in 2-dimensional artwork in Jovani Catalog #1024. The claimed copyrights are valid.

329. On its page 35, Jovani Catalog #1024 includes original artwork incorporated in a dress entitled Jovani Style 15995. The original artwork includes the ornamental design on the face of the fabric wrapping around the belt and shoulder region of the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
330. Cinderella's dress style no. 2125 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 35 of Jovani Catalog #1024. Thus, each unit of Cinderella's dress style no. 2125 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
331. Julie's Collection's dress style no. 2125 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 35 of Jovani Catalog #1024. Thus, each unit of Julie's Collection's dress style no. 2125 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
332. Upon information and belief, Cinderella manufactured, caused to be manufactured, imported, publicly displayed, advertised, offered to sell, sold, and/or distributed units of Cinderella's dress style no. 2125 and distributed

and publicly displayed photographs thereof. Such acts also constitute copyright infringement.

333. Upon information and belief, Julie's Collection publicly displayed, advertised, offered to sell, sold, and distributed units of Julie Collection's dress style no. 2125. Such acts also constitute copyright infringement.
334. Upon information and belief, Julie's Collection and Cinderella had access to the artwork depicted on page 35 of Jovani Catalog #1024.
335. Upon information and belief, Cinderella and Julie's Collection have realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
336. Upon information and belief, the infringement of Jovani's copyrights by Cinderella and Julie's Collection is and has been knowing, willful and intentional.
337. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 23

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 152305

338. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-337 above, inclusive, as if fully set forth herein.
339. Jovani's Copyright Registration VA 1-714-128 claims copyrights in 2-dimensional artwork in Jovani Catalog #1024. The claimed copyrights are valid.
340. On its page 90, Jovani Catalog #1024 includes original artwork incorporated in a dress entitled Jovani Style 152305. The original artwork includes the design and embellishments on the chest and shoulder areas of the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
341. Cinderella's dress style no. 4003 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 90 of Jovani Catalog #1024. Thus, each unit of Cinderella's dress style no. 4003 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
342. Rose Dress' dress style no. CD-4003 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 90 of Jovani Catalog #1024. Thus, each

unit of Rose Dress' dress style no. CD-4003 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.

343. Unique Vintage's dress style no. 14013-4003 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 90 of Jovani Catalog #1024. Thus, each unit of Unique Vintage's dress style no. 14013-4003 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
344. Upon information and belief, Cinderella manufactured, imported, publicly displayed, advertised, offered to sell, sold, and distributed units of its dress style no. 4003. Such acts also constitute copyright infringement.
345. Upon information and belief, Rose Dress publicly displayed, advertised, offered to sell, sold, and/or distributed units of its dress style no. CD-4003 and copied, distributed, and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
346. Upon information and belief, Unique Vintage publicly displayed, advertised, offered to sell, sold, and distributed units of its dress style no. 4003, and copied, distributed, and publicly displayed photographs thereof. Such acts also constitute copyright infringement.

347. Upon information and belief, Cinderella, Rose Dress, and Unique Vintage had access to the artwork depicted on page 90 of Jovani Catalog #1024.
348. Upon information and belief, Cinderella, Rose Dress, and Unique Vintage has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
349. Upon information and belief, the infringement of Jovani's copyrights by Cinderella, Rose Dress, and Unique Vintage is and has been knowing, willful and intentional.
350. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 24

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 8510

351. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-350 above, inclusive, as if fully set forth herein.
352. Jovani's Copyright Registration VA 1-714-131 claims copyrights in 2-dimensional artwork in Jovani Catalog #1023. The claimed copyrights are valid.

353. On its page 42, Jovani Catalog #1023 includes original artwork incorporated in a dress entitled Jovani Style 8510. The original artwork includes the ornamental design and embellishments on the face of the material on the side of the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.
354. Unique Vintage's dress style no. 14225-F630 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 42 of Jovani Catalog #1023. Thus, each unit of Unique Vintage's dress style no. 14225-F630 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
355. Upon information and belief, Unique Vintage publicly displayed, advertised, offered to sell, sold, and/or distributed units of its dress style no. 14225-F630 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
356. Upon information and belief, Unique Vintage had access to the artwork depicted on page 42 of Jovani Catalog #1023.

357. Upon information and belief, Unique Vintage has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
358. Upon information and belief, the infringement of Jovani's copyrights by Unique Vintage is and has been knowing, willful and intentional.
359. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 25

COPYRIGHT INFRINGEMENT OF ARTWORK IN JOVANI STYLE 14620

360. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-359 above, inclusive, as if fully set forth herein.
361. Jovani's Copyright Registration VA 1-749-689 claims copyrights in 2-dimensional artwork in Jovani 2009 Homecoming Catalog. The claimed copyrights are valid.
362. On its page 1, Jovani 2009 Homecoming Catalog includes original artwork incorporated in a dress entitled Jovani Style 14620. The original artwork includes the twisting blossom design expressed through ornamental folding

at the center of the depicted dress. Such original artwork is physically and conceptually separable from the functional aspects of the dress that is depicted, primarily because such artwork is purely aesthetic and serves no functional purpose in the depicted dress.

363. Cinderella's dress style no. 5213 is a three-dimensional dress incorporating artwork that is substantially similar to the original, protectable two-dimensional artwork on page 1 of Jovani 2009 Homecoming Catalog. Thus, each unit of Cinderella's dress style no. 5213 incorporates an unauthorized copy of Jovani's artwork registered with the U.S. Copyright Office, and such copying constitutes copyright infringement.
364. Upon information and belief, Cinderella publicly displayed, advertised, offered to sell, sold, and/or distributed units of its dress style no. 5213 and distributed and publicly displayed photographs thereof. Such acts also constitute copyright infringement.
365. Upon information and belief, Unique Vintage had access to the artwork depicted on page 1 of Jovani 2009 Homecoming Catalog.
366. Upon information and belief, Cinderella has realized unjust profits, gains, and advantages as a proximate result of their infringing use of Jovani's original, protectable artwork.
367. Upon information and belief, the infringement of Jovani's copyrights by Cinderella is and has been knowing, willful and intentional.

368. Jovani has been harmed and continues to be harmed irreparably by the infringement of Jovani's copyrights, including but not limited to lost sales and a disruption of Jovani's marketshare. Such harm will continue unless enjoined and restrained. Thus, Plaintiff has no adequate remedy at law.

COUNT 26

COPYRIGHT INFRINGEMENT, TITLE 17 OF U.S. CODE

369. Plaintiff Jovani Fashion, Ltd. incorporates by reference each allegation of paragraphs 1-368 above, inclusive, as if fully set forth herein.

370. Upon information and belief, certain unknown entities, the defendants designated in this Complaint as John Does 1 - 100, have participated materially in one or more of the above described acts of copyright infringement, and as such are themselves liable to Jovani for copyright infringement either directly, or through contributory or vicarious liability.

WHEREFORE, Jovani prays for judgment as follows:

- A. That this Court enter a Judgment that each defendant in the above-captioned action has infringed Plaintiff's copyrights;
- B. That this Court Order a permanent injunction under 17 U.S.C. Sec. 502 restraining the defendants (and their principals, officers, employees, successors, and assigns) from making, manufacturing, copyright, distributing, selling, advertising, publicly displaying any of the infringing dresses as set forth in each of the Counts above.

C. That this Court Order a permanent injunction under 17 U.S.C. Sec. 502 restraining the defendants (and their principals, officers, employees, successors, and assigns) from making, manufacturing, copyright, distributing, selling, advertising, publicly displaying any works that are substantially similar to any of Jovani's Designs without Jovani's express authorization;

D. That this Court Order that all infringing materials in the possession, custody, or control of defendants be impounded and destroyed;

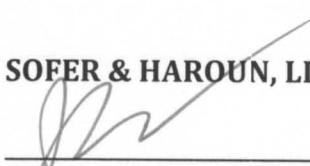
E. That this Court Order each defendant to pay to Plaintiff damages in the form of such defendant's respective profits resulting from their infringing activity, pursuant to 17 U.S.C. Sec. 504;

F. That, under 17 U.S.C. Sec. 505, this Court Order the defendants to pay Plaintiff its costs in this action, including an award of its reasonable attorney fees; and

G. That this Court award such other and further relief as this Court deems just and proper.

Dated: New York, NY
January 28, 2011

By:


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